



HOUSE OF REPRESENTATIVES

COMMITTEE ON JUDICIARY
REP. GRAHAM FILLER
CHAIR

COMMITTEE MEETING MINUTES

Wednesday, June 24, 2020 8:00 AM Room 352, House Appropriations, State Capitol Building

The House Committee on Judiciary was called to order by Chair Filler.

The Chair requested attendance be called:

Present: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Absent: None.

Excused: None.

Representative Howell moved to adopt the meeting minutes from June 17, 2020. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 5859 before the committee:

HB 5859 (Rep. Green)

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 803 and 807 (MCL 600.803 and 600.807), section 803 as amended by 2012 PA 36 and section 807 as amended by 2004 PA 492.

Representative Green testified in support of HB 5859.

The following people submitted a card in support of HB 5859, but did not wish to speak:
Cami Pendell, representing the State Court Administrative Office.

Representative LaFave moved to report out HB 5859 with recommendation. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

At 8:13 AM, the Chair laid the committee at ease.

At 8:15 AM, the Chair called the committee back to order.

The Chair laid HB 5551, HB 5684, HB 5685, HB 5686, HB 5687, HB 5688, HB 5689, HB 5690, HB 5691, HB 5692, HB 5693, HB 5694, HB 5695, HB 5696, HB 5697, HB 5698, HB 5699, HB 5802, HB 5803 and HB 5804 before the committee:

HB 5551 (Rep. Alexander)

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82133 (MCL 324.82133), as added by 1995 PA 58.

HB 5684 (Rep. Cherry)

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82105, 82113, 82114, and 82119 (MCL 324.82105, 324.82113, 324.82114, and 324.82119), sections 82105 and 82114 as amended by 2012 PA 28, section 82113 as amended by 1998 PA 297, and section 82119 as amended by 2005 PA 307.

HB 5685 (Rep. Sneller)

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 215, 226a, 233, 234, 243, and 907 (MCL 257.215, 257.226a, 257.233, 257.234, 257.243, and 257.907), section 226a as amended by 2006 PA 516, section 233 as amended by 2014 PA 290, section 234 as amended by 2002 PA 552, section 243 as amended by 1989 PA 299, and section 907 as amended by 2015 PA 126.

HB 5686 (Rep. Glenn)

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 802 and 907 (MCL 257.802 and 257.907), section 802 as amended by 2019 PA 88 and section 907 as amended by 2015 PA 126.

HB 5687 (Rep. LaFave)

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80141 (MCL 324.80141), as amended by 2018 PA 400.

HB 5688 (Rep. LaGrand)

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 255, 256, and 907 (MCL 257.255, 257.256, and 257.907), section 255 as amended by 2018 PA 64, section 256 as amended by 1987 PA 34, and section 907 as amended by 2015 PA 126.

- HB 5689 (Rep. LaFave) A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82120 and 82126 (MCL 324.82120 and 324.82126), section 82120 as added by 1995 PA 58 and section 82126 as amended by 2008 PA 399.
- HB 5690 (Rep. LaGrand) A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 306 (MCL 257.306), as amended by 2015 PA 11.
- HB 5691 (Rep. Filler) A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 244 and 907 (MCL 257.244 and 257.907), section 244 as amended by 2013 PA 231 and section 907 as amended by 2015 PA 126.
- HB 5692 (Rep. Markkanen) A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82122 and 82123 (MCL 324.82122 and 324.82123), as added by 1995 PA 58.
- HB 5693 (Rep. LaFave) A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81122 (MCL 324.81122), as amended by 2013 PA 119.
- HB 5694 (Rep. Johnson) A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43560 (MCL 324.43560), as added by 1995 PA 57.
- HB 5695 (Rep. Mueller) A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 48738 (MCL 324.48738), as amended by 2014 PA 541.
- HB 5696 (Rep. Peterson) A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending section 15 (MCL 207.225).
- HB 5697 (Rep. Howell) A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40118 and 43558 (MCL 324.40118 and 324.43558), section 40118 as amended by 2017 PA 124 and section 43558 as amended by 2013 PA 108.
- HB 5698 (Rep. Bolden) A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 801e and 907 (MCL 257.801e and 257.907), section 801e as

amended by 1983 PA 91 and section 907 as amended by 2015 PA 126.

HB 5699 (Rep. Yancey)

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 311 and 907 (MCL 257.311 and 257.907), section 311 as amended by 1983 PA 63 and section 907 as amended by 2015 PA 126.

HB 5802 (Rep. Mueller)

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 317, 904, and 907 (MCL 257.317, 257.904, and 257.907), section 317 as amended by 2018 PA 566, section 904 as amended by 2018 PA 212, and section 907 as amended by 2015 PA 126.

HB 5803 (Rep. Bolden)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16a of chapter IX (MCL 769.16a), as amended by 2008 PA 508.

HB 5804 (Rep. Howell)

A bill to amend 1925 PA 289, entitled "An act to create and maintain a fingerprint identification and criminal history records division within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties and remedies for a violation of this act," by amending section 3 (MCL 28.243), as amended by 2018 PA 67.

The following people submitted a card in support of HB 5684, HB 5685, HB 5686, HB 5687, HB 5688, HB 5689, HB 5690, HB 5691, HB 5692, HB 5693, HB 5694, HB 5695, HB 5696, HB 5697, HB 5698, HB 5699, HB 5802, HB 5803 and HB 5804, but did not wish to speak:

Dan Pfannes, representing the Michigan Sheriffs Association.

Representative LaFave moved to adopt substitute (H-3) to HB 5551. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out HB 5551 with recommendation, as substitute (H-3). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to adopt substitute (H-3) to HB 5684. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out HB 5684 with recommendation, as substitute (H-3). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to adopt substitute (H-1) to HB 5686. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out HB 5686 with recommendation, as substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out HB 5687 with recommendation. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaGrand moved to adopt substitute (H-1) to HB 5688. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaGrand moved to report out HB 5688 with recommendation, as substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to adopt substitute (H-1) to HB 5689. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out HB 5689 with recommendation, as substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaGrand moved to adopt substitute (H-1) to HB 5690. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaGrand moved to report out HB 5690 with recommendation, as substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.
Nays: None.
Pass: None.

Representative LaFave moved to adopt substitute (H-1) to HB 5691. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.
Nays: None.
Pass: None.

Representative LaFave moved to report out HB 5691 with recommendation, as substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.
Nays: None.
Pass: None.

Representative LaFave moved to report out HB 5692 with recommendation. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.
Nays: None.
Pass: None.

Representative LaFave moved to report out HB 5693 with recommendation. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.
Nays: None.
Pass: None.

Representative LaFave moved to adopt substitute (H-1) to HB 5694. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.
Nays: None.

Pass: None.

Representative Steven Johnson moved to report out HB 5694 with recommendation, as substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to adopt substitute (H-1) to HB 5695. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out HB 5695 with recommendation, as substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out HB 5696 with recommendation. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative Howell moved to adopt substitute (H-1) to HB 5697. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative Howell moved to report out HB 5697 with recommendation, as substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.
Nays: None.
Pass: None.

Representative Bolden moved to adopt substitute (H-1) to HB 5698. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.
Nays: None.
Pass: None.

Representative Bolden moved to report out HB 5698 with recommendation, as substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.
Nays: None.
Pass: None.

Representative Mueller testified in support of HB 5802.

Representative LaFave moved to adopt substitute (H-1) to HB 5802. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.
Nays: None.
Pass: None.

Representative LaFave moved to report out HB 5802 with recommendation, as substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.
Nays: None.
Pass: None.

Representative Bolden moved to report out HB 5803 with recommendation. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative Howell moved to report out HB 5804 with recommendation. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to adopt substitute (H-3) to HB 5685. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative Farrington moved to report out HB 5685 with recommendation, as substitute (H-3). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

The Chair laid HB 5837 before the committee:

HB 5837 (Rep. Peterson)

A bill to amend 1965 PA 203, entitled "Michigan commission on law enforcement standards act," by amending the title and sections 9, 9b, 9c, and 9d (MCL 28.609, 28.609b, 28.609c, and 28.609d), the title as amended by 1998 PA 237 and sections 9, 9b, 9c, and 9d as amended by 2018 PA 552, and by adding section 9f.

The following people submitted a card in support of HB 5837, but did not wish to speak:

Robert Stevenson, representing the Michigan Association of Chiefs of Police.

Representative Steven Johnson moved to adopt substitute (H-1) to HB 5837. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

At 8:47 AM, the Chair laid the committee at ease.

At 9:22 PM, the Chair called the committee back to order.

Representative Filler offered the following amendments to HB 5837 (H-1):

1. Amend page 33, line 18, after "**beginning**" by striking out "**June**" and inserting "**March**".
2. Amend page 33, line 23, after "**on**" by striking out "**June**" and inserting "**March**".

Representative Filler moved to adopt the amendments to HB 5837 (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative Elder offered the following amendment to HB 5837 (H-1):

1. Amend page 35, following line 21, by inserting:

"(7) The commission shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to ensure compliance with this section, including a tiered system of license sanctions up to license revocation for law enforcement officers licensed under section 9, 9b, 9c, or 9d who refuse to comply with the training requirements under this section. The rules promulgated under this subsection pertaining to revocation of a license must incorporate the requirements and procedures in the same manner as provided in sections 9(13), 9b(13), 9c(12), and 9d(14)." and renumbering the remaining subsection.

Representative Elder moved to adopt the amendment to HB 5837(H-1). The motion prevailed 11-0-2:

FAVORABLE ROLL CALL

Yeas: Reps. LaFave, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: Reps. Filler, Farrington.

Representative Guerra offered the following amendments to HB 5837 (H-1):

1. Amend page 33, line 26, after "subsection" by striking out "(4)," and inserting "(5),".
2. Amend page 34, following line 7, by inserting:

"(e) Use of restraints to detain or arrest an individual."

3. Amend page 35, following line 7, by inserting:

"(4) The minimum standards for training on the use of restraints must include instruction that a law enforcement officer is not permitted to use a method of restraint that impairs an individual's ability to breathe or circulation of blood to the brain,

including, but not limited to, chokehold, stranglehold, knee to neck restraint, or carotid restraint, to detain or arrest that individual." and renumbering the remaining subsections.

4. Amend page 35, line 19, after "subsection" by striking out "(5)" and inserting "(6)".

5. Amend page 35, line 20, after "subsection" by striking out "(5)" and inserting "(6)".

6. Amend page 35, following line 21, by inserting:

"(7) After completing training on the use of restraints that meets the minimum standards under this section, the individual shall execute an affidavit that affirms the individual completed the training and that meets either of the following, as applicable:
(a) If the individual is seeking to become a licensed law enforcement officer, that the individual understands the use of a method of restraint that is not permitted as described under subsection (4) will not be within the scope of the individual's authority as a law enforcement officer and is conduct for which the individual will not have immunity under 1964 PA 170, MCL 691.1401 to 691.1419.
(b) If the individual is already a licensed law enforcement officer under this act at the time he or she completes the training, that the individual understands the use of a method of restraint that is not permitted as described under subsection (4) is not within the scope of his or her authority and is conduct for which he or she will not have immunity under 1964 PA 170, MCL 691.1401 to 691.1419." and renumbering the remaining subsection.

Representative Guerra moved to adopt the amendments to HB 5837(H-1). The motion did not prevail 5-8-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak.

Pass: None.

Representative Steven Johnson moved to report House Bill No. 5837 as amended, as substitute (H-3). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

There being no further business before the committee, Rep. Graham Filler adjourned the meeting at 9:33 AM.

Representative Graham Filler, Chair

Melissa Sweet
Committee Clerk
msweet@house.mi.gov